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TAGS: [PGOV](#) [PHUM](#) [KPAL](#) [KWBG](#) [IS](#)  
SUBJECT: OVERVIEW OF EAST JERUSALEM HOME DEMOLITIONS

REF: A. JERUSALEM 1977  
[1](#)B. JERUSALEM 1790

Classified By: Consul General Daniel Rubinstein, per reasons 1.4 (b) and (d)

[1](#)1. (C) Summary. With many more homes built illegally each year than are demolished, an estimated 20,000 buildings in East Jerusalem -- one-third of the total -- are illegal. Permits for new construction are limited by municipal planning (since the 1970s explicitly aimed to preserve a Jewish majority within the city), making it impossible for many Arab residents of East Jerusalem to build legally. The Jerusalem municipality plans to demolish 41 homes in East Jerusalem before the end of 2009, although both the Mayor and the Israeli government can suspend demolitions. Existing legal mechanisms could be used to prevent home demolitions and enable legal construction, if sufficient funds were available to hire lawyers and planners. End Summary.

Forty-One Demolitions Before Year's End?  
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[1](#)2. (C) The week of November 2, Jerusalem City Council and OCHA sources separately provided Post with copies of an internal Jerusalem municipality document listing 41 homes in East Jerusalem scheduled for demolition before the end of [1](#)2009. The document also lists 16 properties designated for demolition in West Jerusalem. The properties include eight buildings in Silwan and six in the Muslim Quarter of the Old City, as well as two properties in Abu Tor that were demolished on November 2 (Ref A). A full list is provided in paragraph 17.

Two Routes to Demolition  
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[1](#)3. (C) In separate conversations with PolOff, Jerusalem municipality and NGO sources explained the process through which demolitions occur. According to municipality legal advisor Yossi Havilyo, there are two legal routes for demolition. Properties that are still under construction or have been occupied for fewer than 30 days are subject to "administrative demolition," which requires a court-issued injunction, plus concurrence of the legal advisor and Mayor. This is the quickest route to demolition because it does not require a court trial. Administrative demolition orders are issued by the municipality's Department of Building Monitoring, which regularly surveys new building in the city.

[1](#)4. (C) The second type of demolition is "judicial demolition," which is applied to completed structures that have been occupied for more than 30 days. This type of demolition requires an indictment followed by a court trial. Havilyo said that this route requires only the consent of the municipality's legal advisor, although he acknowledged that the Mayor has informal influence over the indictment process.

15. (C) Note: On October 7, Jerusalem Mayor Nir Barkat told the CG that the municipality plans to demolish 19 homes in the Al Bustan neighborhood, and upgrade more than 60 others to make way for several high-end residencies, commercial properties, and a community center, as reported in Ref B. The municipality plans to use the judicial demolition process for these demolitions, as most homes in Al Bustan were built during the Second Intifada, when municipal inspectors were unable to access the properties for security reasons. End Note.

#### Who Can Stop a Demolition?

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16. (C) The Municipality has the ability to suspend both administrative and judicial demolitions, our contacts said. Havilyo noted that each year, the municipality and the Israeli National Police agree to suspend demolitions during Ramadan and the Jewish high holidays. Stephan Miller, aide to Jerusalem Mayor Nir Barkat, confirmed that for security reasons, the municipality attempted to avoid inflaming tensions during this period of increased sensitivity. Regarding national-level (GOI) influence into the demolition process, Margalit said, "Can the Prime Minister make it stop? Of course. Can the Minister of Interior? Of course. The Minister of Internal Security? With one phone call."

17. (C) Our contacts did not, however, agree on which entity sets the timing of individual demolitions. According to mayoral aide Miller, "the timing of demolitions is decided by the police and the courts, not the municipality." However, Jerusalem-based lawyer Danny Seidemann told Post the municipality does set the timing in practice, as it is responsible for hiring the private contractors who physically conduct the demolition, as well as sending police to secure the site.

#### How Properties Are Selected

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18. (C) Jerusalem Council Member Meir Margalit estimated that each year, 1,000 homes are built illegally in East Jerusalem, and that overall, as many as 20,000 buildings in East Jerusalem -- one-third of the total -- are illegal. However, the city's annual budget for demolitions (roughly USD 1 million) allows for only 100 demolitions. As a result, demolitions are prioritized -- a process in which, Margalit said, the Mayor is personally involved. Margalit claimed that priority is given to homes close to Israeli neighborhoods or access roads, in areas of designated Israeli development, or near the security barrier. Separately, Seidemann said that the municipality also targets previously demolished properties rebuilt by NGOs like the Israeli Committee Against House Demolitions.

#### Importance of the Holy Basin

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19. (C) Margalit said that the current mayor has given particular attention to demolition of properties in the Holy Basin (the valley south of the Temple Mount/Haram al-Sharif, surrounded by the Mount of Olives and Mount Zion, in which a number of holy sites and rich archaeological remains are located). "The Mayor knows sooner or later Jabal Mukaber (a Palestinian neighborhood in southeast Jerusalem) will be returned to the Palestinians," Margalit said, "and he is willing to give back the periphery back, for demographic reasons -- if it means he can hold the Holy Basin."

#### Overall Strategy

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110. (C) Margalit said that the overall strategy informing the prioritizing of East Jerusalem home demolitions was driven by the Israeli need to maintain a favorable demographic balance in the city. He argued that the policy

of maintaining a 70-30 Jewish-Muslim population ratio in Jerusalem, as set out by the GOI-empaneled Gafni Commission more than a quarter-century ago, remains effectively in force, although the new "master plan" for East Jerusalem development developed by the current Mayor (Ref A) proposed a 60-40 demographic target in recognition of the impact of disproportionately-high Palestinian growth.

#### Limitations on Legal Building

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¶11. (C) Margalit argued that home demolitions in East Jerusalem were, in effect, the enforcement arm of a permit regime designed to limit legal Palestinian construction inside the municipal borders. Asked what factors under the municipality's control limited the ability of Palestinian residents to obtain legal building permits, he noted that 25 percent of East Jerusalem is still, "forty-two years after the occupation," not covered by a municipal "master plan" -- a prerequisite for issuance of a permit.

¶12. (C) "They will never tell an Arab permit applicant that his request was denied because he is an Arab," Margalit said. "They just say they wish they could help, but that your property is in a 'green area' (designated for open space), or that there is no 'master plan' in your area." Margalit added that a lack of municipal infrastructure in East Jerusalem (properties not connected to infrastructure are not eligible for permits) and the high cost of permits -- approximately 20,000 USD -- limited the ability of Arab residents to build legally.

#### Ideology vs. Bureaucracy

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¶13. (C) Margalit said that he believed a combination of strategic and administrative factors played into most demolitions. "There is an ideological element, and now we have a Mayor who is trying to keep the support of the right wing. But there is also a bureaucratic culture, which has its own priorities, and which leads to inertia in the apparatus. You can change the mayor, but you won't change the situation until you change the functionaries."

#### AL-Wallaja: A Possible Way Ahead

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¶14. (C) Margalit argued that with sufficient funding, existing legal processes could be used to prevent home demolitions by creating conditions which facilitated the issuance of legal permits for the building of Palestinian homes. He pointed to the recent efforts of the NGO "People of al-Wallaja," which presented a development plan for the village (located south of Jerusalem, straddling the municipal-West Bank border) to municipal authorities, leading an Israeli court to order a halt to demolitions inside the area covered by the plan.

¶15. (C) According to Margalit, Israeli courts have the option of freezing even previously-approved administrative or judicial demolition orders if, as in the case of the submittal of a new neighborhood "master plan," there is a possibility an illegally-constructed building may be retroactively legalized by the issuance of a permit. Therefore, he said, the development and submission of new "master plans" has the potential to prevent demolition of existing properties, as well as enabling future legal construction.

¶16. (C) Margalit noted, however, that development and submission of a "master plan" was expensive and time-consuming. "For al-Wallaja," he said, "the architect was paid USD 100,000 and the lawyer USD 40,000. And it took more than three years, for just one village. If you want to do this (create the conditions for legal construction) in every Palestinian neighborhood in East Jerusalem, you can do it legally through the system. But you will need a team of lawyers and architects, and it will cost you more than USD 1

million." He also noted that funding for the al-Wallaja effort had come from European donors.

#### Properties Slated for Demolition

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¶17. (SBU) The properties listed on the document passed to Post by Jerusalem City Council and OCHA sources and described in para 2 are:

-- Three properties in Abu Tor (two of which were demolished on November 2);

-- Five properties in Jabal Mukaber;

-- Six properties in Beit Hanina;

-- Four properties in Wadi Joz;

-- Four properties in Al Issawiyah;

-- One property in Sur Baher;

-- Four properties in Ras al-Amud;

-- Six properties in the Muslim Quarter of the Old City;

-- Eight properties in Silwan, including Beit Yonatan -- the seven-story property occupied by settlers and named after convicted spy Jonathan Pollard -- and one property in Al Bustan.

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